

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABRYEL MICHOLE-MEENA WILDER, *et al.*,

Plaintiffs,

v.

WASHINGTON STATE, *et al.*,

Defendants.

Cause No. C21-0324RSL

ORDER REQUIRING A MORE  
DEFINITE STATEMENT

On March 10, 2021, plaintiff's application to proceed *in forma pauperis* was granted and her complaint and request for injunction was accepted for filing. The complaint identifies six individual and two entity plaintiffs (Dkt. # 5 at 1-3) and an unknown number of defendants. In the section of the form complaint where defendants are listed, plaintiff identifies the Washington State Administrative Office of the Courts, Envision Law Firm, the court-appointed Special Advocates at CASA, and the Washington State Department of Health and Social Services. Dkt. # 5 at 13. Attachments to the form complaint include a printed list of state government agencies with asterisks near a handful of names plus a second list of twenty-nine individuals and entities. Dkt. # 5-2 and # 5-3. Plaintiff asserts claims under 42 U.S.C. § 1983, 18 U.S.C. § 1589, and RCW 42.92, *et seq.*,<sup>1</sup> with cross references to pages attached to the complaint, some of which

<sup>1</sup> The Court has been unable to locate the cited provisions of the Revised Code of Washington.

1 mention various state laws. Dkt. # 5 at 5.

2       The factual bases for plaintiff's claims are not entirely clear given her attachment of  
3 seventy-two pages of tort claim forms, correspondence, and narrative that includes factual  
4 assertions, a purported transcript, and a chronology.<sup>2</sup> It appears, however, that plaintiff is  
5 challenging the following conduct:  
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7       ● the Fife Police Department's failure to investigate an anti-harassment complaint made  
8 by a person named Ashanae against Lauren Lozada in early 2019;

9       ● interference with service of process on a person named Cameron by the Tacoma Police  
10 Department, the Fife Police Department, Lauren, and Ashanae;

11       ● the unjust allocation of public defender resources and the withdrawal of counsel when  
12 appointed to defend an unspecified charge;  
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14       ● entry of a protective order in favor of Lauren and against plaintiff;

15       ● the City of Fife's misdesignation of plaintiff as "Black" when she is Canadian Native  
16 and Creole;

17       ● officers' false statements about plaintiff, resulting in a prosecutor's presentation of that  
18 information to a judge;  
19

20       ● the failure to give timely notice of a court date;

21       ● disputes with neighbors and the Home Owner's Association regarding boundary line  
22 issues, communication failures, unsupervised dogs, selective enforcement of the association  
23 bylaws, and unwanted physical contact;  
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26       <sup>2</sup> Many of the attached documents were also attached to a complaint accepted for filing on  
27 February 26, 2021, in C21-0206RSL.

1           ● state court dependency, custody, and alimony determinations on the grounds that they  
2 violated the U.S. Constitution and state law;<sup>3</sup>

3           ● abusive behavior on the part of Chiaie Wilder, plaintiff's ex-husband, including  
4 compelling her into forced labor in violation of 18 U.S.C. § 1589.<sup>4</sup>  
5

6           The basis for plaintiff's claim for injunctive relief is even less clear, relying almost  
7 entirely on the attached narratives describing past wrongs and injuries. Dkt. # 5 at 12. Instead of  
8 identifying the relief requested, plaintiff again cites to the attached narratives and lists a series of  
9 claims, including assault and battery, outrage, sexual harassment, *etc.* Dkt. # 5 at 13.

10           The Court, having reviewed the record as a whole under the standards articulated in 28  
11 U.S.C. § 1915(e)(2) and having construed the allegations of the complaint liberally (*see*  
12 *Bernhardt v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir. 2003)), finds that plaintiff's  
13 complaint is deficient for the following reasons:  
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15           1. Federal Rule of Civil Procedure 8(a)(2) requires "a short and plain statement of the  
16 claim showing that the pleader is entitled to relief." A complaint will be dismissed unless it  
17 states a cognizable legal theory that is supported by sufficient facts to state a "plausible" ground  
18 for relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Shroyer v. New Cingular*  
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21           <sup>3</sup> The seemingly incomplete documents at pages 23-37 of Dkt. # 5-4 and pages 5-9 of Dkt. # 5-7  
22 appear to have been drafted as an appeal of the state court custody determinations. Plaintiff argues that  
23 the custody determinations deprived her of her constitutionally protected relationship with her children,  
24 violated her due process rights, interfered with her First Amendment right to practice her religion with  
her children, and constitute cruel and unusual punishment under the Eighth Amendment.

25           <sup>4</sup> Attachment D to plaintiff's complaint also contains a single-spaced documents purporting to be  
26 a communications with the Office of Professional Responsibility at the U.S. Department of Justice  
27 raising more than a hundred additional concerns and complaints involving various individuals and  
28 entities as "involved parties." Dkt. # 5-4 at 12-22.

1 *Wireless Servs., Inc.*, 622 F.3d 1035, 1041 (9th Cir. 2010). All well-pleaded allegations are  
2 presumed to be true, with all reasonable inferences drawn in favor of the non-moving party. *In re*  
3 *Fitness Holdings Int'l, Inc.*, 714 F.3d 1141, 1144-45 (9th Cir. 2013). Although a complaint need  
4 not provide detailed factual allegations, it must give rise to something more than mere  
5 speculation that plaintiff has a right to relief. *Twombly*, 550 U.S. at 555. The vast majority of the  
6 named defendants are identified only in lists, with no mention in the body of the complaint or in  
7 the attached letters and narratives. These defendants - and the Court - would have to guess what  
8 acts they are supposed to have committed and how those acts relate to, much less establish, a  
9 § 1983 claim, the criminal act of providing or obtaining forced labor, or a violation of RCW  
10 42.92, *et seq.* At a bare minimum, Rule 8(a) mandates that plaintiff “give the defendant fair  
11 notice of what the ... claim is and the grounds upon which it rests.” *Twombly*, 550 U.S. at 555  
12 (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). The complaint fails to serve this vital  
13 purpose as to most of the named defendants.

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16 2. With regards to defendants who are mentioned in the narratives attached to the  
17 complaint, it is virtually impossible to discern any set of facts which could give rise to liability  
18 under 42 U.S.C. § 1983, 18 U.S.C. § 1589, and RCW 42.92, *et seq.*

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20 3. To the extent plaintiff is seeking review of the state court’s judgments and  
21 determinations in the underlying custody disputes, the Court lacks subject matter jurisdiction  
22 under the *Rooker-Feldman* doctrine. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and  
23 *Dist. of Columbia Ct. of App. v. Feldman*, 460 U.S. 462 (1983). The doctrine arises from 28  
24 U.S.C. § 1257 which grants jurisdiction to review a state court judgment in the United States  
25 Supreme Court and, by negative inference, prohibits lower federal courts from doing so.  
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1 *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004).

2 4. To the extent plaintiff is asserting a claim under 42 U.S.C. § 1983 against Chiae  
3 Wilder, Envision Law Firm, CASA advocates, Chong Sun (Kim) Wilder, Anthony Scott  
4 Marlow, Adriana Tejeda (Peters), and the other individuals and private corporations/associations  
5 identified in the attachments, she has not alleged state action in support such a claim. Nor can  
6 § 1983 be used to vindicate rights created by state law.  
7

8 5. To the extent plaintiff is asserting claims against one or more prosecutors, they are  
9 immune from liability under both the common law and § 1983 for conduct occurring within the  
10 scope of their duties. *See Imbler v. Pachtman*, 424 U.S. 409, 422-25 (1976).  
11

12 A prosecutor is duty bound to exercise his best judgment both in deciding which  
13 suits to bring and in conducting them in court. The public trust of the prosecutor's  
14 office would suffer if he were constrained in making every decision by the  
15 consequences in terms of his own potential liability in a \*425 suit for damages.  
16 Such suits could be expected with some frequency, for a defendant often will  
17 transform his resentment at being prosecuted into the ascription of improper and  
18 malicious actions to the State's advocate. *Cf. Bradley v. Fisher*, 13 Wall., at 348,  
19 20 L.Ed. 646; *Pierson v. Ray*, 386 U.S., at 554, 87 S.Ct., at 1217. Further, if the  
20 prosecutor could be made to answer in court each time such a person charged him  
21 with wrongdoing, his energy and attention would be diverted from the pressing  
22 duty of enforcing the criminal law.

23 *Id.* at 424-25. Plaintiff's claims as they relate to the prosecutor's handling of the 2019 charges  
24 against her are therefore barred.

25 6. To the extent plaintiff is asserting claims against judicial officers, "[i]t has long been  
26 established that judges are absolutely immune from liability for acts 'done by them in the  
27 exercise of their judicial functions.'" *Miller v. Davis*, 521 F.3d 1142, 1145 (9th Cir. 2008)  
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(quoting *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 347 (1871)). Judicial immunity is “absolute” in that it protects the decisionmaker from exposure to the litigation process in its entirety: the official is not only free from the risk of a damage award, but also free from suit. *Saucier v. Katz*, 533 U.S. 194, 201 (2001). “[V]arious forms of immunity, including . . . judicial, reflect a policy that the public is better served if certain public officials exercise their discretionary duties with independence and without fear of the burdens of a civil suit for damages.” *Schrob v. Catterson*, 967 F.2d 929, 937 (3rd Cir. 1992). Immunity is particularly appropriate in situations, such as this, where procedural or substantive errors can be challenged through a motion for reconsideration and/or on appeal: resort to a separate § 1983 action is unnecessary. *Mitchell v. Forsyth*, 472 U.S. 511, 522-23 (1985) (“[T]he judicial process is largely self-correcting: procedural rules, appeals, and the possibility of collateral challenges obviate the need for damages actions to prevent unjust results.”). Thus, any claim against a judicial officer for his or her custody or protective order determinations is barred.

7. Finally, plaintiff Abryel Michole-Meena Wilder is the only person to sign the complaint and request for injunction. There is no indication that Ms. Wilder is an attorney or otherwise able to represent the seven other named plaintiffs in this matter.

For all of the foregoing reasons, the Court declines to issue a summons in this matter. Plaintiff may have a viable claim against one or more of the named defendants, but, if so, they are well and truly hidden amongst the sprawling narrative set forth in the attachments to the complaint. Plaintiff is hereby ORDERED to file on or before April 13, 2021, an amended complaint which clearly and concisely identifies the acts of which each named defendant is

1 accused and how those acts violated plaintiff's legal rights. The key to filing an acceptable  
2 amended complaint will be providing enough facts about the conduct of each defendant that he,  
3 she, or it has sufficient notice to mount a defense and from which one could plausibly infer that  
4 plaintiff has a viable legal claim and a right to relief against each defendant. The amended  
5 complaint will replace the existing complaint in its entirety. Failure to timely file an amended  
6 complaint that asserts a plausible claim for relief will result in dismissal of this action.  
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9 The Clerk of Court is directed to place this Order Requiring More Definite Statement on  
10 the Court's calendar for consideration on Friday, April 16, 2021.  
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13 Dated this 12th day of March, 2021.

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15 Robert S. Lasnik  
16 United States District Judge  
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